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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,529	11/21/2000	Amy Hobbs Atzel	13415.1-US-01	1794

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EXAMINER

LEWIS, CHERYL RENEA

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/717,529 Examiner Cheryl Lewis	Applicant(s) Atzel Art Unit 2177	
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Nov 21, 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-47 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-47 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

6) Other:

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III. DETAILED ACTION

1. Claims 1-47 are presented for examination.
2. The information disclosure statements filed on November 21, 2001, paper no. 3, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Drawings

3. The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figure 1, elements 102, 103, and 104, as described in the specification. For example, placing a label, "server computer", with element 102 of Figure 1, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the

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specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) **Legends.** Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-43 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Barr et al. (Pat. No. 5,873,076 filed 9/15/1995, hereinafter Barr).

6. Regarding Claims 1, 9, 35, Barr teaches an architecture for processing search queries, retrieving documents identified thereby, and method for using same.

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The method and associated system for an architecture for processing search queries, retrieving documents identified thereby, and method for using same as taught or suggested by Barr includes:

receiving a text request (col. 9, line 31 and 32, 'the user of user station 102 sends a "natural language search query" to data center...') comprising a unique identifier and unformatted text (col. 12, lines 24-35), wherein the unique identifier (col. 13, lines 1-24, 'for each search term listed in the document index database 117, document index database 117 stores the document identification number corresponding to each multi-media file having an associated text field which includes that search term...') identifies an electronic file (col. 9, lines 27-53, col. 10, lines 5-15, col. 12, lines 15-67, col. 13, lines 1-24); parsing (col. 26, lines 46-53, 'The publisher format coversion units 916 of the format conversion block 912 control the parsing and conversion of the input document information from the various publisher-specific formats into the universal publisher processing format supported by the information retrieval system 100...') the text, request to identify the unique identifier (col. 26, 46-57, col. 27, lines 9-23); requesting the electronic file associated with the unique identifier (col. 9, lines 27-53, col. 10, lines 5-15, col. 12, lines 15-67, col. 13, lines 1-24).

7. Regarding Claims 2, 10, and 36, Barr teaches providing the unique identifiers to a user for selection of one or more of the unique identifiers (col. 14, lines 41-51); and querying a user to order the file associated with the selected unique identifiers (col. 14, lines 1-51).

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8. Regarding Claims 3, 11, and 37, Barr teaches querying a user for delivery of a file associated with the selected unique identifiers (col. 14, lines 1-51).
9. Regarding Claims 4, 12, 25, and 38, Barr teaches files associated with the selected unique identifiers are delivered as a bundle (col. 8, lines 53-67, col. 14, lines 1-51).
10. Regarding Claims 5, 13, 26, and 39, Barr teaches receiving in a browser window a text request selected from another window (col. 14, lines 41-58).
11. Regarding Claims 6, 17, 30, and 43, Barr teaches the file is selected from a group comprising multimedia files, image files, document files, and program files (col. 9, line 63, col. 10, lines 20-23).
12. Regarding Claims 7, 31, and 18, Barr teaches a client computer (figure 1, element 102).
13. Regarding Claims 8, 19, 32, and 45, Barr teaches a server computer (figure 1, element 114).
14. Regarding Claims 14, 27, and 40, Barr teaches the item is an electronic file (col. 9, lines 54-67, col. 10, lines 1-23).
15. Regarding Claims 15, 28, and 41, Barr teaches a consumer product (col. 11, lines 28-67).
16. Regarding Claims 16, 29, and 42, Barr teaches the item is a service (col. 11, lines 28-67).

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17. Regarding Claim 22, Barr teaches a request module receiving a unique identifier and unformatted data (col. 12, lines 24-35) wherein the unique identifier identifies (col. 13, lines 1-24, ‘for each search term listed in the document index database 117, document index database 117 stores the document identification number corresponding to each multi-media file having an associated text field which includes that search term...’) an item (col. 9, lines 27-53, col. 10, lines 5-15, col. 12, lines 15-67, col. 13, lines 1-24); a parser module (col. 26, lines 46-53, ‘The publisher format coversion units 916 of the format conversion block 912 control the parsing and conversion of the input document information from the various publisher-specific formats into the universal publisher processing format supported by the information retrieval system 100...’), the unique identifier (col. 26, 46-57, col. 27, lines 9-23); an order module that enables a server system to process an order for the item associated with the unique identifier (Abstract, lines 1-28).

18. Regarding Claim 23, Barr teaches a display module that provides the unique identifiers to a user for selection of one or more of the unique identifiers (col. 14, lines 1-51).

19. Regarding Claim 24, Barr teaches a query module that requests that requests that a user select for delivery an item associated with the selected unique identifiers (col. 14, lines 1-51).

20. Regarding Claim 20, 33, and 46, Barr teaches the request comprises text (col. 9, lines 54-67, col. 10, lines 1-23).

21. Regarding Claim 34, Barr teaches the request comprises an image (col. 9, lines 54-67, col. 10, lines 1-23).

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22. Regarding Claims 21 and 47, Barr teaches an image and the parsing stem comprises the step of matching the image to a unique image (col. 14, lines 38-67, col. 15, lines 1-48).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[®] and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

25. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barr et al. (Pat. No. 5,873,076 filed 9/15/1995, hereinafter Barr) as applied to claim 35 above, and further in view of Himmel et al. (6,408,316 B1 filed 12/17/1998, hereinafter Himmel).

26. Regarding Claim 44, Barr teaches a client computer (figure 1, element 102). However, Barr does not expressly teach a Java applet.

Himmel teaches a bookmark set creation according to user selection of selected pages satisfying a search condition.

The method and associated system for a bookmark set creation according to user selection of selected pages satisfying a search condition as taught or suggested by Himmel includes:

a Java applet (col. 4, line 52 and 53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Barr's search query method to identify and retrieve documents with Himmel's method to search pages of a distributed database comprising a Java applet because Himmel's Java applet could enable Barr's search query method to record events of a user's ability to request and retrieve documents and files within the distributed data interface.

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Other Prior Art Made of Record

27. A. Kohli discloses a system and method for facilitating presentation of subject categorizations for use in an on-line search query engine; and
- B. Fries et al. discloses a system for improving search area selection.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Name of Contact

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.

The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The TC (technology center) for group 2100 customer service number is 703-306-5631.

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The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

or:

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

any/or:

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).


Cheryl Lewis
Patent Examiner
March 20, 2003